



REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2011-05

LANDOWNERS: Robert and Theresa Sykes
4564 Willow Oak Trail
Powder Springs, GA 30127

APPLICANT: Same as above

PROPERTY ADDRESS: 451 Atlanta Street

PARCEL DESCRIPTION: Land Lot 02880, 17th District, Parcel 0440

AREA: 0.5474 acs.

COUNCIL WARD: 5

EXISTING ZONING: OI (Office Institutional)

REQUEST: OI with additional use for residential cottage

FUTURE LAND USE MAP

RECOMMENDATION: NAC (Neighborhood Activity Center)

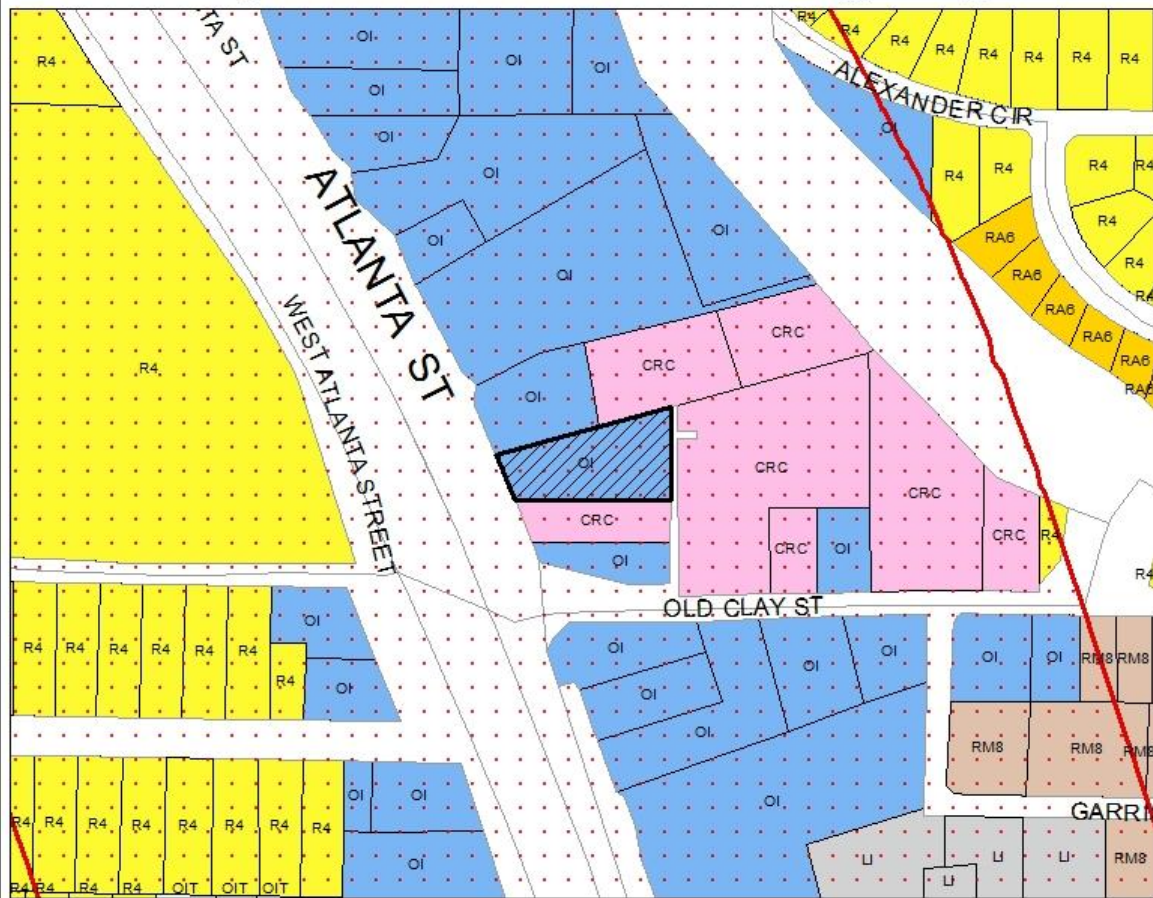
REASON FOR REQUEST: The applicant is requesting the rezoning of this property from OI to OI with a stipulation that would allow the cottage structure on the property be used as a residence.

PLANNING COMMISSION HEARING: Wednesday, June 1, 2011 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, June 8, 2011 – 7:00 p.m.

MAP

City of Marietta Area Zoning Map



Zoning

SINGLE FAMILY RESIDENTIAL
R-1 One Unit/Acre
R-2 Two Unit/Acre
R-3 Three Unit/Acre
R-4 Four Unit/Acre
ATTACHED FAMILY RESIDENTIAL
RA-4 Four Unit/Acre
RA-6 Six Unit/Acre
RA-8 Eight Unit/Acre
PRD(SF) Planned Residential Dev.
MHP Mobile Home Park
MULTI FAMILY RESIDENTIAL
RM-8 Eight Unit/Acre
RM-10 Ten Unit/Acre
RM-12 Twelve Unit/Acre
RHR Residential High Rise
PRD(MF) Planned Residential Dev.

COMMERCIAL
NRC Neighborhood Retail
CRC Community Retail
RRC Regional Retail
CBD Central Business District
PCD Planned Commercial Dev.
MXD Mixed-Use Dev.
OIT Office Institutional Trans.
LRO Low-Rise Office
OII Office Institutional
OS Office Services
OHR Office High-Rise
INDUSTRIAL
LI Light Industrial
HI Heavy Industrial
PID Planned Industrial Dev.

District

17

Land Lot

02880

Parcel

0440

Current Zoning

OI

Proposed Zoning

OI

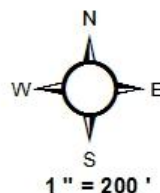
Comments:

451 Atlanta Street

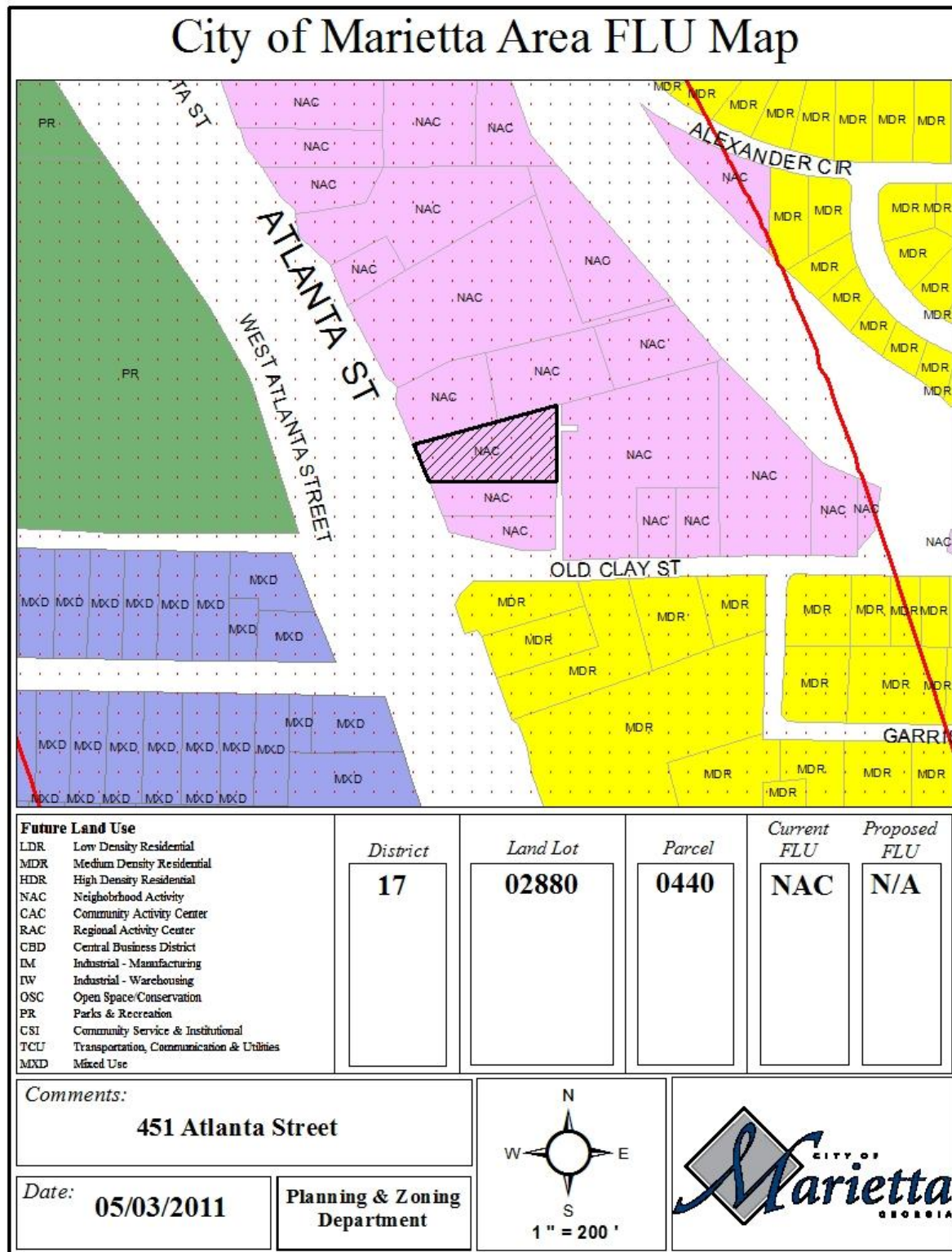
Date:

05/03/2011

**Planning & Zoning
Department**



FLU MAP



PICTURES OF PROPERTY



451 Atlanta Street – front view



Office and Cottage



Cottage from neighboring property



Property from rear

STAFF ANALYSIS

Location Compatibility

The applicants, Robert and Theresa Sykes, are requesting the rezoning of the property located at 451 Atlanta Road. The site contains two buildings, the larger of the two functioning as Dr. Sykes' dental practice. The smaller building is vacant and has been used as a repair business in the past. The adjacent property to the north, also zoned OI, functions as a nursing home. To the northeast and east are properties zoned CRC and contain a building supply company. Cobb County Community Services operate a facility, zoned OI, immediately to the south. The subject property is also located within Tier B of the Commercial Corridor Design Overlay District. Although the subject property is zoned OI (Office Institutional), the applicants wish to have the property rezoned to OI with an added stipulation that would allow the small cottage on the property to be used as a residence.

Use Potential and Impacts

Robert and Theresa Sykes are requesting an additional use for the OI zoning classification that would allow them to rent out the small cottage to a residential tenant. Residential use of a building or property is typically less intensive than a commercial use. Paired with an existing office use, a residential tenant should have little to no effect on any surrounding properties. This is a growing trend in higher density, urban areas and is encouraged by the City's own Commercial Corridor Design Overlay District. One particular advantage to allowing mixed uses is having the property occupied consistently during a 24 hour period. This increases security for the property owner as well as decreases the desolation felt in many commercial areas at night or residential areas during the day.

Additionally, the subject property is located within the Commercial Corridor Design Overlay District - Tier B. If this property were redeveloped under these standards, a mixture of residential and commercial uses would be permitted as long as they were both housed within the same building with the commercial uses provided on the lower floors and the residential units on the upper floors.

Similar, but slightly different, requests have recently been made by property owners along South Marietta Parkway and Lawrence Street. These requests involved allowing a commercial property be used temporarily for residential tenants and did not involve the mixture of uses within the same property, nor were these properties located within the City's Overlay District.

Should the applicant's request to use the cottage residentially be approved, inspections by the Building Department would be required to determine whether the structure is suitable for residential use or would require interior modification to bring it up to code.



The Future Land Use (FLU) map for the city designates this and all surrounding parcels as a Neighborhood Activity Center (NAC), which should consist of uses serving the immediate needs of neighborhood residents and businesses. NAC should mainly consist of small scale, low-intensity office and retail uses with a building area of less than 10,000 s.f. Although OI is not listed as a compatible zoning classification, the existing building on-site qualifies as a small scale, low-intensity office. Additionally, MXD (Mixed Use Development) is listed as being a compatible zoning classification for the NAC future land use. As a result, the proposed application is compatible with the future land use for this property.

Environmental Impacts

Since the applicant is not proposing any changes to the building or site as part of this request, there should be no negative environmental impacts on the site or surrounding area. However, the site does not appear to comply with the Tree Protection and Landscaping Ordinance and a tree survey was not provided with the application. A variance would be required to allow the trees currently on the site to remain until the site is redeveloped:

- Variance to waive the minimum tree density for the existing improvements to the property. [Section 712.08 (D)(4)]
- Variance to waive the required street trees along Atlanta Street. [Section 712.08 (G)(2)]

Economic Functionality

Business license history indicates that the cottage has not been used since 2003, when it was used for a repair service business. Despite the extended vacancy, there should be no reason why the property cannot be used as currently zoned.

Infrastructure

The proposed use should not affect the current transportation, education, water, sewer, electricity, or other public infrastructure in the area. However, many of the existing features on the site do not conform to the existing zoning requirements. Should the applicants' request be approved, the following variances would be required:

- Variance to reduce the side yard setback for the existing accessory structure from 10' to 1'. [Section 708.23 (F)(1)]
- Variance to reduce the side yard setback for the existing principal building from 15' to 10'. [Section 708.23 (H)]



Although the property is within Tier B of the Commercial Corridor Design Overlay District, the property would not be subject to those regulations because there are no substantial improvements planned. Nonconforming structures are listed as being exempt from the requirements if the structure is to be retained and improvements would not exceed 50% of its replacement cost.

History of Property

There is no history of any rezonings for this property. In 2002, an administrative variance (AV2002-40) was granted to reduce the setback for the freestanding sign.

ANALYSIS & CONCLUSION

The applicants, Robert and Theresa Sykes, are requesting the rezoning of the property located at 451 Atlanta Road from OI to OI with an added stipulation that would allow the small cottage on the property to be used as a residence. The site currently contains a dental practice and separate cottage structure and is surrounded by other properties that are zoned either OI or CRC. The subject property is located within the Commercial Corridor Design Overlay District – Tier B.

Residential use of a building or property is typically less intensive than a commercial use. Paired with an existing office use, a residential tenant should have little to no effect on any surrounding properties. This is a growing trend in higher density, urban areas and is encouraged by the City's own Commercial Corridor Design Overlay District. If this property were redeveloped under these standards, a mixture of residential and commercial uses would be permitted as long as they were both housed within the same building with the commercial uses provided on the lower floors and the residential units on the upper floors.

The following variances would be necessary in order to allow the site remain as-is:

- Variance to reduce the side yard setback for the existing accessory structure from 10' to 1'. [*Section 708.23 (F)(1)*]
- Variance to reduce the side yard setback for the existing principal building from 15' to 10'. [*Section 708.23 (H)*]
- Variance to waive the minimum tree density for the existing improvements to the property. [*Section 712.08 (D)(4)*]
- Variance to waive the required street trees along Atlanta Street. [*Section 712.08 (G)(2)*]

Any variances that are approved should be for the current developed property only, and should be discontinued upon the redevelopment of the site, according to Section 706.03, Continuance of a nonconforming building or structure.

The Future Land Use (FLU) map for the city designates this and all surrounding parcels as a Neighborhood Activity Center (NAC), which should consist of uses serving the immediate needs of neighborhood residents and businesses. NAC should mainly consist of small scale, low-intensity office and retail uses with a building area of less than 10,000 s.f. Although OI is not listed as a compatible zoning classification, the existing building on site qualifies as a small scale, low-intensity office. Additionally, MXD is also listed as being a compatible zoning classification for the NAC future land use. As a result, the proposed application is compatible with the future land use for this property.

Prepared by: _____

Approved by: _____



DATA APPENDIX

CITY OF MARIETTA - WATER

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	n/a
Size of the water line?	8-inch
Capacity of the water line?	Flow test required
Approximate water usage by proposed use?	Not provided

CITY OF MARIETTA - SEWER

Is a sewer line adjacent to the property?	No
If not, how far is the closest sewer line?	+/- 250 feet
Size of the sewer line?	8-inch
Capacity of the sewer line?	Capacity available
Estimated waste generated by proposed development?	A.D.F. Peak Not provided
Treatment Plant Name?	Cobb County
Treatment Plant Capacity?	Cobb County
Future Plant Availability?	Cobb County



DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

Does flood plain exist on the property?	NO
What percentage of the property is in a floodplain?	---
What is the drainage basin for the property?	Rottenwood Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	NO
If so, is the use compatible with the possible presence of wetlands?	---
Do stream bank buffers exist on the parcel?	NO
Are there other topographical concerns on the parcel?	NO
Are there storm water issues related to the application?	NO
Potential presence of endangered species in the area?	NO

Transportation

What is the road affected by the proposed change?	Atlanta Street
What is the classification of the road?	Arterial
What is the traffic count for the road?	32,770 (AADT – 2 way)
Estimated number of cars generated by the proposed development?	N/A
Estimated number of trips generated by the proposed development?	Dental Office: 36.17 x 2.43 K = 88/day (3.72 x 2.43 = 9 peak PM hour One-Story Residential: 9.5 trips / day (1 at peak PM hour)
Do sidewalks exist in the area?	YES
Transportation improvements in the area?	NO
If yes, what are they?	



- If building additions or new / replacement impervious is proposed in the future, site plans will be required for construction. Site plans must include, parking, driveways, streets, stormwater management, stormwater quality, 10% downstream analysis, and any other applicable improvements required by City code and Georgia Stormwater Management Manual. Additional comments will be made at time of site plan submittal. There can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm sewer. Discharge will not be allowable at the property line. If easements are required for drainage through adjacent property, then the owner is to obtain.
- The current FEMA FIRM Flood Plain effective December 16, 2008. However, the site is not within the flood plain.
- Any future changes to the ingress / egress will require a permit from GA DOT as well as the City.

EMERGENCY SERVICES

Nearest city or county fire station from the development? Marietta Station 51

Distance of the nearest station? 1 mile

Most likely station for 1st response? Marietta, Station 51

Service burdens at the nearest city fire station (under, at, or above capacity)? None

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes X No

If not, can this site be served? Yes No

What special conditions would be involved in serving this site?

Additional comments: